

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Proposed

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: North American Pipe Corporation
Mailing Address: 2801 Post Oak Blvd., Suite 600, Houston, TX
77056

Source Name: North American Pipe Corporation
Mailing Address: 5090 Gilbertsville Highway
Calvert City, KY 42029

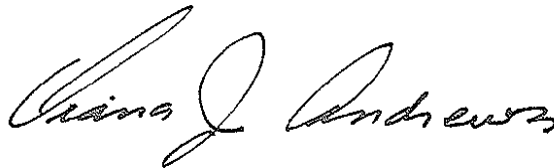
Source Location: 5090 Gilbertsville Highway

Permit: V-07-041
Agency Interest: 34469
Activity: APE20070001
Review Type: Title V, Construction / Operating
Source ID: 21-157-00058

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003
(270) 898-8468

County: Marshall

Application
Complete Date: October 3, 2007
Issuance Date: November 26, 2007
Revision Date: N/A
Expiration Date: November 26, 2012



**John S. Lyons, Director
Division for Air Quality**

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	Permit type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
V-07-041	Initial Issuance	APE20070001	10/3/07	11/26/07	Initial Construction Permit

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SINGLE SOURCE DETERMINATION:

North American Pipe Corporation, Westlake PVC Corporation, and Westlake Vinyls Incorporated are a single “major source” as defined in 401 KAR 52:001, Section 1(45)(a), definition of major source. Each owner/operator is responsible and liable for their own violations, unless there is a joint cause for the violations.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit 01 (01)	PVC Resin Silo and Pump System
Capacity	7.5 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 02 (02)	Calcium Carbonate Silo and Pump System
Capacity	1.75 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 03 (03)	Additive conveying system
Capacity	1.0 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 04 (04)	Hot mixer/mixer cooler
Capacity	6.45 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 05 (05)	Surge hopper
Capacity	10.0 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 06 (06)	Compound silo (3 units)
Capacity	12.5 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 07 (07)	Line 1/Line2 receivers
Capacity	6.28 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point 9 (12)	Pipe sawing
Capacity	6.28 tons/hr
Control device	None
Installation date	Proposed 2007
Emission Unit 10 (13)	Railcar loading
Capacity	12.5 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007
Emission Unit 11 (14)	Super sack/box station
Capacity	2.5 tons/hr
Recovery system	Cartridge filter
Controls	None
Installation date	Proposed 2007

Applicable Regulations

401 KAR 59:010 – *New process operations*. Applicable with respect to particulate emissions to each affected facility commenced on or after July 2, 1975.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), emissions of particulate matter (PM) from each stack shall not exceed the allowable limit calculated by the following formula:

For process rates up to 60,000 lb/hr: $E = 3.59P^{0.62}$

Where E = rate of emissions in lb/hr; and

P = process weight (tons) divided by the process cycle time (hours).

For processing rates of 1000 lb/hr or less, the emissions of particulate matter shall not exceed 2.34 lb/hr.

Compliance Demonstration Method:

Emission Unit	Maximum Capacity (tons/hr)	PM Emission Factor (lbs/ton)	PM Maximum Allowable Emission Rate (lbs/hr)	PM Maximum Emissions (lbs/hr)
01	7.5	0.0074	12.52	0.0555
02	1.75	0.0074	5.08	0.0130
03	1.0	0.0180	3.59	0.0180
04	6.45	0.1800	11.40	1.1610
05	10.0	0.0360	14.97	0.3600
06	12.5	0.0074	17.19	0.0925
07	6.28	0.0056	11.22	0.0352
09	6.28	0.0560	11.22	0.3517
10	12.5	0.0180	17.19	0.2250
11	2.5	0.0180	6.34	0.0450

At all times, including periods of start-up, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate all recovery devices in a manner consistent with good air pollution control practices for minimizing emissions.

- b. Pursuant to 401 KAR 59:010, Section 3(1)(a), no person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than twenty (20) percent opacity.

Compliance Demonstration Method:

For compliance with the opacity limits, refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.

3. Testing Requirements:

Pursuant to 401 KAR 59:010, Section 2(6), the opacity of visible emissions shall be measured by Reference Method 9 filed by reference in 401 KAR 50:015.

4. Specific Monitoring Requirements:

The permittee shall perform a qualitative visual observation of the opacity of emissions from each stack at least one per week. If visible emissions are seen, the permittee shall perform an EPA Reference Method 9 test for opacity on the applicable stack emissions within 3 hours of observing visible emissions, and make any necessary repairs if the opacity exceeds the limit. If there is no stack for the emission unit, visual observation is not required.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following information:

- a. Information on the filter recovery device type and description, make and model, and capability.
- b. Information on the filter recovery device design including but not limited to:
 - (1) Operation procedures;
 - (2) Maintenance requirements; and
 - (3) Filter media and specifications.
- c. The monthly amount of material processed by each emission unit.
- d. The permittee shall maintain a log of the dates and times of each qualitative visual observation; noting color, duration, density (dark or light), and cause.
- e. The permittee shall maintain a log of each EPA Reference Method 9 test.

6. Specific Reporting Requirements:

Refer to Section F.7 through F.9 for reporting requirements.

7. Specific Control Equipment Operating Conditions:

None

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 08	Pipe Recycle Process
Emission Point 08A (08)	Pipe regrind process
Capacity	5.0 tons/hr
Controls	baghouse
Installation date	Proposed 2007
Emission Point 08B (09)	Regrind receiver
Capacity	5.0 tons/hr
Controls	Cyclone exhausting to baghouse
Installation date	Proposed 2007
Emission Point 08C (10)	Pulverizer
Capacity	0.75 tons/hr
Controls	baghouse
Installation date	Proposed 2007
Emission Point 08D (11)	Pulverizer receiver
Capacity	2.5 tons/hr
Controls	Cyclone exhausting to baghouse
Installation date	Proposed 2007

Applicable Regulations

401 KAR 59:010 – *New process operations*. Applicable with respect to particulate emissions to each affected facility commenced on or after July 2, 1975.

1. Operating Limitations:

Pursuant to a voluntary limitation by the permittee, the throughput for the pipe recycle process, Emission Unit 08, is limited to 11 million lbs/yr (10% of total plant capacity). The baghouse filter for the unit shall be operational and maintained in a manner consistent with good air pollution practices anytime Emission Unit 08 is in operation.

Compliance Demonstration Method:

Refer to Section F.7 through F.9 for reporting requirements.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), emissions of PM from each stack shall not exceed the allowable limit calculated by the following formula:

$$\text{For process rates up to 60,000 lb/hr: } E = 3.59P^{0.62}$$

Where E = rate of emissions in lb/hr; and
 P = process weight (tons) divided by the process cycle time (hours).

For processing rates of 1000 lb/hr or less, the emissions of particulate matter shall not exceed 2.34 lb/hr.

Compliance Demonstration Method:

Emission Point	Maximum Capacity (tons/hr)	PM Emission Factor (lbs/ton)	PM Maximum Allowable Emission Rate (lbs/hr)	PM Controlled Maximum Emissions (lbs/hr)
08A	5.0	7.4	9.74	0.37
08B	5.0	24.6	9.74	1.23
08C	0.75	1.8	3.00	0.014
08D	2.5	24.6	6.34	0.62

At all times, including periods of start-up, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate all recovery and control devices in a manner consistent with good air pollution control practices for minimizing emissions.

- b. Pursuant to 401 KAR 59:010, Section 3(1)(a), no person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than twenty (20) percent opacity.

Compliance Demonstration Method:

For compliance with the opacity limits, refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

- The permittee shall install, calibrate, maintain, and operate according to manufacturer's specification a monitoring device (differential pressure gauges or manometers) for continuous measurement of the pressure drop across the baghouse unit.
- The permittee shall check the pressure drop across the baghouse once per month that the unit is in operation.
- The permittee shall perform a monthly inspection of the baghouse to ensure that there are no torn bags.
- The permittee shall perform a qualitative visual observation of the opacity of emissions from each stack at least one per week. If visible emissions are seen, the permittee shall perform an EPA Reference Method 9 test for opacity on the applicable stack emissions within 3 hours of observing visible emissions, and make any necessary repairs if the opacity exceeds the limit. If there is no stack for the emission unit, visual observation is not required.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following information:

- a. Information on the baghouse control device type and description, make and model, and capability.
- b. Information on the baghouse control device design including but not limited to:
 - (1) Operation procedures;
 - (2) Maintenance requirements; and
 - (3) Filter media and specifications.
- c. The monthly amount of material processed from each emission unit.
- d. The permittee shall maintain a log of the dates and times of each qualitative visual observation; noting color, duration, density (dark or light), and cause.
- e. The permittee shall maintain a log of each EPA Reference Method 9 test.

6. Specific Reporting Requirements:

Refer to Section F.7 through Ff.9 for reporting requirements.

7. Specific Control Equipment Operating Conditions:

None

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 12 (15)	Pipe Extrusion Fugitive VOC and HAP emissions
Capacity	6.28 tons/hr
Controls	None
Installation date	Proposed 2007

Applicable Regulations

None

1. Operating Limitations.

None

2. Emission Limitations

None

3. Testing Requirements

None

4. Specific Monitoring Requirements

None

5. Specific Recordkeeping Requirements

None.

6. Specific Reporting Requirements

Refer to Section F.10 for reporting requirements of information necessary to determine emissions.

7. Specific Control Equipment Operating Conditions

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to a general applicable regulation shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspections and observations shall be recorded in a log, noting color, duration, density (heavy or light), cause, and any corrective actions taken due to abnormal visible emissions.

Description**Generally Applicable Regulation**

- | | |
|-----------------------------------|------|
| 1. Maintenance Welding | None |
| 2. Solvent parts cleaning | None |
| 3. Stabilizer tank (7000 gallons) | None |
| 4. Space heaters | None |

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. PM emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality	U.S. EPA Region 4
Paducah Regional Office	Air Enforcement Branch
4500 Clarks River Road	Atlanta Federal Center
Paducah, KY 42003-0823	61 Forsyth St.
	Atlanta, GA 30303-8960
Division for Air Quality	
Central Files	
803 Schenkel Lane	
Frankfort, KY 40601	

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in the permit and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)**4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, Emission Units 01 through 12 in accordance with the terms and conditions of this permit.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None